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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,182	10/27/2000	Taichi Ujigawa	1341.1063/JDH	4451

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/697,182

Applicant(s)

UJIGAWA ET AL.

Examiner

Oanh L. Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: the feature "other than" should be other than. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The feature "obtains the from the communication blocks" is indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (Gold) (5,864,674) in view of Walsh (US 6,233,601 B1).

Regarding claims 1 and 5, Goldman teaches an information collection and distribution system for collecting and distributing information between a server and

clients which are connected to a network (e.g., see fig. 1), a final client which has received the pieces of distribution information last out of said plurality of clients transmits the communication block to said one client (e.g., see col. 2 lines 26-33); and said one client relays the communication block transmitted from said final client to said server (e.g., see col. 2 lines 33-35). Goldman does not explicitly teach communication block and circulate the communication block as claimed. However, Walsh teaches wherein the server transmits communication blocks including at least addresses and pieces of distribution information of the plurality of clients to one clients of the plurality of clients through said network (e.g., see col. 4 lines 11-12 and lines 36-50); each client out of said plurality of clients obtains the from the communication blocks, and circulates the communication blocks in which distribution results are set to client next in the order on the basis of addresses (e.g., see col. 3 lines 19-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the list of addresses in communication block for data circulation in the system of Goldman as taught by Walsh because such list of address would enable communication to be directly executed between clients. This would minimize the load of a server and reduce network overhead (Walsh, col. 2 lines 31-22).

Regarding claims 3 and 7, Goldman teaches each client other than said one client and said final client transmits the communication block to said one client as intermediate notification when a next client as the circulation destination is in a stop state (e.g., see col. 3 lines 5-11), and said one client relays the communication block transmitted from said client to said server (e.g., see col. 2 lines 33-35).

4. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (Gold) (5,864,674) in view of Walsh (US 6,233,601 B1) in further view of Akiyama et al (Akiyama) (US 6,212,166 B1).

Regarding claims 2 and 6, the combination of teachings of Goldman and Walsh does not explicitly teach server recognizes a client which fails in distribution on the basis of the distribution result set in the communication block transmitted from said one client, and re-transmits the communication block to said failed client. However, Akiyama teaches server recognizes a client which fails in distribution on the basis of the distribution result set in the communication block transmitted from said one client, and re-transmits the communication block to said failed client (e.g., see col. 7 line 65-col. 8 line 12). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the retransmitting step in the combination of teachings of Goldman and Walsh as taught by Akiyama because such recognizing and retransmitting would enable the server to retransmit communication block to failed client after the normal data distribution has been completed. It is thereby possible to avoid a packet interrupt retransmission and to retransmit the packets without reducing the data distribution efficiency (Akiyama, col. 20 lines 43-46).

5. Claims 4 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (Gold) (5,864,674) in view of Walsh (US 6,233,601 B1) in further view of Kumar (US 6,269,080).

Regarding claims 4 and 8, Goldman teaches a final client of a circulation destination in each of the groups transmits the communication block to said one client (e.g., see col. 2 lines 26-33); and said one client relays the communication block transmitted from said final client to said server (e.g., see col. 2 lines 33-35). Goldman does not explicitly teach circulate the communication block and partitioning all other clients as claimed. However, Walsh teaches each client in each of the groups obtains the distribution information from the communication block and circulates a communication block in which a distribution result is set to the next client in the group on the basis of an address (e.g., see col. 4 lines 11-12 and lines 36-50 and col. 3 lines 19-30). Kumar teaches one client partitions all the others clients into a plurality of groups and transmits a communication block to one of client in each of the groups (e.g., see col. 7 lines 50-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Goldman with the teachings of Walsh and Kumar because such partitioning and circulating step would enable a large numbers of clients to be divided into several logical subset and enable communication to be directly executed between clients. This would minimize the load of a server and reduce network overhead (Walsh, col. 2 lines 31-22) and efficiently distribute data from one sender to a large number of clients (Kumar, col. 3 lines 55-56).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Cal*

O.D  
November 13, 2003

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**